

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L PORT AU PRINCE 003019

SIPDIS

SOUTHCOM ALSO FOR POLAD
WHA ALSO FOR USOAS
S/CRS FOR MICHELLE SCHIMP
TREASURY FOR MAUREEN WAFER

E.O. 12958: DECL: 04/07/2010

TAGS: [PGOV](#) [PREL](#) [HA](#)

SUBJECT: HAITI ELECTIONS: SUPREME COURT MOVES IN FAVOR OF
SIMEUS

Classified By: Classified by Deputy Chief of Mission Douglas M. Griffitt
hs for reasons 1.4(b).

1. (U) The Haitian news media reported on December 8 that the Supreme Court has "requested" that the (Provisional Electoral Council) CEP reinstate Haitian-American Dumarsais Simeus on the list of eligible presidential candidates. The Supreme Court does not have a quorum of five -- the death of Justice Georges Henry on November 25 left four sitting justices out of seven. It is not clear whether the court's action constitutes a formal decision, a restatement of its October 11 ruling that Simeus was eligible to run for office, or a response to a motion brought before it Simeus himself. Any decision made by Simeus might also apply to Haitian-American candidate Samir Mourra, whom the CEP also disqualified. Mourra had a complaint against the CEP pending at the time of Henry's death. Technically, having been removed from the electoral process by government decree on October 20, the court does not have jurisdiction over subsequent decisions made by the CEP regarding the eligibility of candidates, including its final decision to disqualify Simeus and Mourra.

2. (C) News reports also quote Simeus' legal advisor Guerdy Lissade hailing the court's decision and further announcing that Simeus would shortly form an alliance with the "candidate who will win the election." Since his disqualification by the CEP, Simeus told Emboffs on several occasions that he would be willing to step aside and ally with another candidate, but only if the CEP and the IGOH recognized his Haitian nationality and his right to run. Lissade's statement may reflect Simeus' intention to use this Supreme Court action to claim vindication, and follow-through with plans to seek another role in the new Haitian government, possibly as Prime Minister. The CEP has yet to respond to the Supreme Court's action.
CARNEY